

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

0.661 ACRES OF LAND, MORE OR
LESS, SITUATE IN HIDALGO COUNTY,
STATE OF TEXAS; AND OSCAR BOX,
ET AL.,

Defendants.

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CASE NO. 7:20-CV-370

**JOINT MOTION FOR ORDER ESTABLISHING JUST COMPENSATION, GRANTING
POSSESSION, AND DISTRIBUTING FUNDS ON DEPOSIT IN THE REGISTRY OF
THE COURT FOR TRACT RGV-WSL-2016**

1. On November 17, 2020, the United States filed a Declaration of Taking for the condemnation of a fee simple interest in real property identified as Tract RGV-WSL-2016.¹

2. On November 20, 2020, the United States deposited forty-eight thousand three hundred twenty dollars and 00/100 (\$48,320.00) into the Registry of the Court as estimated just compensation for Tract RGV-WSL-2016.² On August 6, 2021, a second deposit was made into the Registry of the Court by the United States in the amount of six thousand six hundred eighty dollars and 00/100 (\$6,680.00), as additional funds for the estimate of just compensation for Tract RGV-WSL-2016.³ Accordingly, the total amount deposited into the registry of the Court, which reflects the estimated just compensation amount is fifty-five thousand dollars and 00/100 (\$55,000.00).

¹ Dkt. No. 2.

² Dkt. No. 5.

³ Dkt. No. 47.

3. The Declaration of Taking acquired a combined 0.661 acres in fee simple and the Amended Schedule G identified Defendants Gary Box, Roy Box, Dora D. Box, Dora Box Rodriguez, Linda Box Ponder, Unknown Heirs/Devisees of John Box, Jr. (a/k/a John Box, III), Norma Box, John Box, IV, John Box, and Maria San Juana Martinez Box as interest owners.⁴ The United States moved to dismiss the Unknown Heirs/Devisees of John Box, Jr (a/k/a John Box, III) as an unnecessarily or improperly joined party, which is currently pending before the Court.⁵

4. The parties have settled the amount of just compensation owed to Defendants in this matter.

5. The total amount in deposit in the Registry of the Court and agreed to as the settlement between the parties is fifty-five thousand dollars and 00/100 (\$55,000.00).⁶

6. The United States and Defendants now make this joint motion for an Order: (a) establishing fifty-five thousand dollars and 00/100 (\$55,000.00) as the total just compensation for Tract RGV-WSL-2016 (the “Subject Property”); (b) granting the United States immediate possession of Tract RGV-WSL-2016; (c) disbursing the stipulated amount of just compensation, as directed below, from the funds on deposit in the Registry of the Court for the Subject Property; and (d) closing this case on the Court’s docket. As grounds for this motion, the parties jointly state:

- a. The United States and Defendants confirm and agree that the full and just compensation payable by the United States for the taking of Tract RGV-WSL-2016 shall be the sum of fifty-five thousand dollars and 00/100 (\$55,000.00) plus any accrued interest, which sum

⁴ Oscar Box, Security 1st Federal Credit Union, Elizabeth Mendoza, Portfolio Recovery Associates, LLC, and Pablo “Paul” Villarreal, Jr., Hidalgo County Tax Assessor-Collector were also listed in the original Schedule G as having an interest in the property. Oscar Box, Elizabeth Mendoza, and Portfolio Recovery Associates, LLC were either substituted or dismissed as parties. (Dkt. Nos. 36-37, 40-41). Security 1st Federal Credit Union and Pablo “Paul” Villarreal, Jr., Hidalgo County Tax Assessor-Collector, executed disclaimers and were subsequently dismissed. (Dkt. Nos. 23, 25, and 26).

⁵ Dkt. No 46.

⁶ Dkt Nos. 5 and 47.

is all inclusive and in full satisfaction of any claims of whatsoever nature by the Defendants against the United States for the institution and prosecution of the above-captioned action.

- b. The parties respectfully request that judgment be entered against the United States in the amount of fifty-five thousand dollars and 00/100 (\$55,000.00) for its condemnation of the stated interests or estates in the Subject Property, along with any accrued interest.
- c. The United States previously deposited fifty-five thousand dollars and 00/100 (\$55,000.00) into the Registry of the Court.⁷ The United States and Defendants agree that upon deposit of said amount, title to the interest and estate as more fully described in the Complaint and to the extent set forth in the Declaration of Taking, vested in the name of the United States of America by operation of law as to Tract RGV-WSL-2016.
- d. The parties agree that the United States shall be entitled to immediate possession of Tract RGV-WSL-2016, and all persons in possession or control of the interests taken in this property should be ordered by the Court to surrender possession of the same to the United States.
- e. The total sum of fifty-five thousand dollars and 00/100 (\$55,000.00) currently on deposit with the Registry of the Court, with accrued interest, shall be subject to all real estate taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from this sum.
- f. Upon the Court's Order entering judgment in accord with this stipulation of just

⁷ Dkt. Nos. 5 and 47.

compensation for the Subject Property, the parties seek immediate disbursement of fifty-five thousand dollars and 00/100 (\$55,000.00) on deposit in the Registry of the Court, together with any accrued interest earned thereon from the initial deposit date of November 20, 2020,⁸ to be disbursed as follows:

- **\$9,418.62** to “Dora D. Box” with accrued interest from the date of deposit;
- **\$9,040.69** to “Gary Box” with accrued interest from the date of deposit;
- **\$9,040.69** to “Roy Box” with accrued interest from the date of deposit;
- **\$13,750.00** to “Dora Box Rodriguez” with accrued interest from the date of deposit;
- **\$6,875.00** to “Linda Ponder Box” with accrued interest from the date of deposit;
- **\$1,589.33** to “Maria San Juana Martinez Box” with accrued interest from the date of deposit;
- **\$1,761.89** to “Norma L. Box” with accrued interest from the date of deposit;
- **\$1,761.89** to “John Box, IV” with accrued interest from the date of deposit; and
- **\$1,761.89** to “John Box” with accrued interest from the date of deposit.

- g. Defendants warrant that they are the owners of the Subject Property; that they have the exclusive right to the compensation herein, excepting unpaid taxes and assessments, if any; and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
- h. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, Defendants shall refund into the Registry of the Court the compensation

⁸ Dkt. No. 5.

distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendants, to the date of repayment into the Registry of the Court.

- i. The parties shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.
- j. There being no outstanding taxes or assessments due or owing, Defendants are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking.
- k. The parties shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
- l. Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the property taken in this proceeding on the date of taking.
- m. This joint stipulation and motion is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.
- n. The parties request that the Court enter an order closing this case on the Court's docket.

FOR DEFENDANTS:

By: s/ *Dora D. Box (with permission)*
Dora D. Box
[REDACTED]
Colorado Springs, CO [REDACTED]

By: s/ *Gary Box (with permission)*
Gary Box
[REDACTED]
Colorado Springs, CO [REDACTED]

By: s/ *Roy Box (with permission)*
Roy Box
[REDACTED]
Peyton, CO [REDACTED]

By: (see attached signature page)
Dora Box Rodriguez
[REDACTED]
Indio, CA [REDACTED]

By: s/ *Linda Box Ponder (with permission)*
Linda Box Ponder
[REDACTED]
Desert Hot Springs, CA [REDACTED]

By: (see attached signature page)
Norma L. Box
[REDACTED]
San Juan, Texas [REDACTED]

By: (see attached signature page)
John Box, IV.
[REDACTED]
Victoria, TX [REDACTED]

By: (see attached signature page)
Maria San Juana Martinez Box
[REDACTED]
McAllen, TX [REDACTED]

By: (see attached signature page)
John Box
[REDACTED]
Edinburg, TX [REDACTED]

Respectfully submitted,

JENNIFER B. LOWERY
Acting United States Attorney
Southern District of Texas

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FOR DEFENDANTS:

By: s/
Dora D. Box
[REDACTED]
Colorado Springs, CO [REDACTED]

By: s/
Gary Box
[REDACTED]
Colorado Springs, CO [REDACTED]

By: s/
Ray Box
[REDACTED]
Peyton, CO [REDACTED]

By: s/ *Dora Box Rodriguez*
Dora Box Rodriguez
[REDACTED]
Indio, CA [REDACTED]

By: s/
Linda Ponder Box
[REDACTED]
Desert Hot Springs, CA [REDACTED]

By: s/
Nonna Box
[REDACTED]
San Juan, Texas [REDACTED]

By: s/
John Box, IV.
[REDACTED]
Victoria, TX [REDACTED]

By: s/
Maria San Juana Martinez Box
[REDACTED]
McAllen, TX [REDACTED]

By: s/
John Box
[REDACTED]
Edinburg, TX [REDACTED]

Respectfully submitted,

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FOR DEFENDANTS:

By: s/
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[REDACTED]
Colorado Springs, CO [REDACTED]

By: s/
Gary Box
[REDACTED]
Colorado Springs, CO [REDACTED]

By: s/
Roy Box
[REDACTED]
Peyton, CO [REDACTED]

By: _____
Dora Box Rodriguez
[REDACTED]
Indio, CA [REDACTED]

By: s/
Linda Box Ponder
[REDACTED]
Desert Hot Springs, CA [REDACTED]

By: Norma L. Box
Norma L. Box
[REDACTED]
San Juan, Texas [REDACTED]

By: _____
John Box, IV
[REDACTED]
Victoria, TX [REDACTED]

By: _____
Maria San Juana Martinez Box
[REDACTED]
McAllen, TX [REDACTED]

By: _____
John Box
[REDACTED]
Edinburg, TX [REDACTED]

Respectfully submitted,

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Attorney-In-Charge for United States

FOR DEFENDANTS:

By: s/
Dora D. Box
[REDACTED]
Colorado Springs, CO [REDACTED]

By: s/
Gary Box
[REDACTED]
Colorado Springs, CO [REDACTED]

By: s/
Roy Box
[REDACTED]
Peyton, CO [REDACTED]

By: _____
Dora Box Rodriguez
[REDACTED]
Indio, CA [REDACTED]

By: s/
Linda Box Ponder
[REDACTED]
Desert Hot Springs, CA [REDACTED]

By: _____
Norma L. Box
[REDACTED]
San Juan, Texas [REDACTED]

By: John Box IV
John Box, IV.
[REDACTED]
Victoria, TX [REDACTED]

By: _____
Maria San Juana Martinez Box
[REDACTED]
McAllen, TX [REDACTED]

By: _____
John Box
[REDACTED]
Edinburg, TX [REDACTED]

Respectfully submitted,

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Attorney-In-Charge for United States

FOR DEFENDANTS:

By: s/ _____

Colorado Springs, CO _____

By: s/ _____

Colorado _____

By: s/ _____

CO _____

By: s/ _____

Dora _____

Indio, _____

By: s/ _____

Linda Ponder Box _____

Desert Hot Springs, A _____

By: s/ _____

xas _____

By: s/ _____

By: s/ Maria Box _____

Maria San Juana Martinez Box _____

McAllen, TX _____

By: s/ John Box _____

John Box _____

Edinburg, TX _____

Respectfully submitted,

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States

CERTIFICATE OF SERVICE

I, Alyssa Iglesias, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on August 31-September 1, 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

By: s/ *Alyssa Iglesias*
ALYSSA IGLESIAS
Assistant United States Attorney